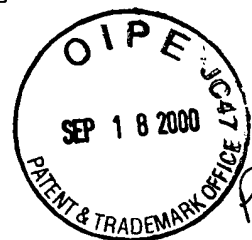


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Gerd Sutter, Marion Ohlmann and Volker Erfle
Application No.: 09/002,443 Group Art Unit: 1631
Filed: January 2, 1998 Examiner: M.K. Zeman
Title: Recombinant MVA Virus, and The Use Thereof



| | |
|---|------------------------|
| CERTIFICATE OF MAILING | |
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 | |
| on <u>9/13/00</u> | <u>Robin E. MacRae</u> |
| Date | Signature |
| <u>Robin E. MacRae</u> | |
| Typed or printed name of person signing certificate | |

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This Information Disclosure Statement is submitted:

- ☐ under 37 CFR 1.129(a), or
(First/Second submission after Final Rejection)
- ☐ under 37 CFR 1.97(b), or
(Within three months of filing national application; or date of entry of the national stage in international application; or before mailing date of first office action on the merits; whichever occurs last)
- ☒ under 37 CFR 1.97(c) together with either:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, or
- ☒ a \$240.00 fee under 37 CFR 1.17(p), or
(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97(d) together with:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, and
- ☐ a Petition under 37 CFR 1.97(d)(2), and
- ☐ a \$130.00 petition fee set forth in 37 CFR 1.17(i).
(Filed after final action or notice of allowance, whichever occurs first, but before payment of the issue fee)
- ☐ Applicant requests that the attached IDS and cited reference(s) [] be placed in the application filewrapper.
(Filed after payment of issue fee)

Statement Under 37 CFR 1.97(e)

- ☐ Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Enclosed herewith is form PTO-1449:

- ☒ Copies of the cited references (AU2, AV2, and AW2) are enclosed.
- ☐ Copies of cited references are enclosed except those entered in prior application, U.S. Serial No. [], and references that are not required to be submitted under 37 CFR 1.98.
- ☐ The listed references were cited in the enclosed International Search Report in a counterpart foreign application.

Concise Explanation Requirement (non-English references):

- ☐ The "concise explanation" requirement for reference(s) [] under 37 CFR 1.98(a)(3) is satisfied by:
- ☐ the explanation provided on the attached sheet.
 - ☐ the explanation provided in the Specification.
 - ☐ submission of the enclosed International Search Report.
 - ☐ the enclosed English language abstract.

It is requested that the information disclosed herein be made of record in this application.

Method of payment:

- ☒ A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply. A copy of this Statement is enclosed.
- ☐ Please charge Deposit Account 08-0380 in the amount of \$[]. A copy of this Statement is enclosed.
- ☒ Please charge any deficiency in fees and credit any overpayment to Deposit Account 08-0380.

Respectfully submitted,

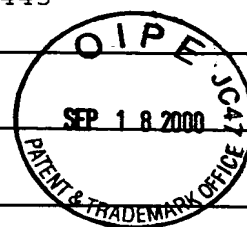
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Anne J. Collins
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Facsimile: (781) 861-9540

Lexington, Massachusetts 02421-4799

Dated: *September 13, 2000*

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|--|--|---|-----------------------------------|
| PTO-1449 REPRODUCED | | ATTORNEY DOCKET NO. 2316.1006-000 (GSF97-06A) | APPLICATION NO. #15 09/002,443 |
| SECOND SUPPLEMENTAL INFORMATION DISCLOSURE CITATION IN AN APPLICATION March 23, 2000 (Use several sheets if necessary) | | APPLICANT Gerd Sutter, et al. | |
| | | FILING DATE January 2, 1998 | GROUP 1631 |



U.S. PATENT DOCUMENTS

| EXAM- INER INI- TIAL | | DOCUMENT NUMBER | DATE | NAME | CLASS | SUB- CLASS | FILING DATE IF APPROPRIATE |
|-------------------------------|----|-----------------|------|------|-------|---------------|----------------------------------|
| | AA | | | | | | |
| | AB | | | | | | |
| | AC | | | | | | |
| | AD | | | | | | |
| | AE | | | | | | |
| | AF | | | | | | |
| | AG | | | | | | |
| | AH | | | | | | |
| | AI | | | | | | |
| | AJ | | | | | | |
| | AK | | | | | | |

FOREIGN PATENT DOCUMENTS

| | | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUB- CLASS | TRANSLATION YES NO |
|--|----|-----------------|------|---------|-------|---------------|-----------------------|
| | AL | | | | | | |
| | AM | | | | | | |
| | AN | | | | | | |
| | AO | | | | | | |
| | AP | | | | | | |
| | AQ | | | | | | |

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

| | | |
|-----|-----|--|
| MKE | AU2 | NTIS Accession Number PB89144802; "Novel Inhibitor of HIV Infection" 1990 |
| MKE | AV2 | NTIS Accession Number PB88201363, "Novel Recombinant Vaccinia Virus Expression Vectors and Method of Selecting Same" 1990 |
| MKE | AW2 | NTIS Accession Number PB88192059, "A Synthetic Antigen Evoking Anti-HIV Response" 1990 |

EXAMINER

MKE

DATE CONSIDERED

12/11/00